



General Assembly

January Session, 2005

**Committee Bill No. 256**

LCO No. 3176

\*03176SB00256JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE LIABILITY OF SKI AREA OPERATORS  
FOR INJURIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-211 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 In the operation of a passenger tramway or ski area, each operator  
4 shall have the obligation to perform certain duties including, but not  
5 limited to: (1) Conspicuously marking all trail maintenance vehicles  
6 and furnishing the vehicles with flashing or rotating lights which shall  
7 be operated whenever the vehicles are working or moving within the  
8 skiing area; (2) conspicuously marking the location of any hydrant or  
9 similar device used in snow-making operations [and placed] that is  
10 located on a trail or slope and is not readily visible; (3) conspicuously  
11 marking the entrance to each trail or slope with a symbol, adopted or  
12 approved by the National Ski Areas Association, which identifies the  
13 relative degree of difficulty of such trail or slope or warns that such  
14 trail or slope is closed; (4) conspicuously marking [all lift towers within  
15 the confines of] any lift tower that is located on a trail or slope and is  
16 not readily visible; (5) maintaining one or more trail boards, at

17 prominent locations within the ski area, displaying such area's  
18 network of ski trails and slopes, designating each trail or slope in the  
19 same manner as provided in subdivision (3) of this section and  
20 notifying each skier that the wearing of ski retention straps or other  
21 devices used to prevent runaway skis is required by this section,  
22 section 29-201 and sections 29-212 to [29-214] 29-213, inclusive; (6) in  
23 the event maintenance men or equipment are being employed on any  
24 trail or slope during the hours at which such trail or slope is open to  
25 the public, conspicuously posting notice thereof at the entrance to such  
26 trail or slope; and (7) conspicuously marking trail or slope  
27 intersections.

28 Sec. 2. Section 29-212 of the general statutes is repealed and the  
29 following is substituted in lieu thereof (*Effective October 1, 2005*):

30 (a) For the purposes of this section:

31 (1) "Skier" includes any person who is using a ski area for the  
32 purpose of skiing or who is on the skiable terrain of a ski area as a  
33 spectator or otherwise, but does not include any person using a snow  
34 tube provided by a ski area operator;

35 (2) "Skiing" means sliding downhill or jumping on snow or ice using  
36 skis, a snowboard, snow blades, a snowbike, a sit-ski or any other  
37 device that is controllable by its edges on snow or ice or is for the  
38 purpose of utilizing any skiable terrain, but does not include snow  
39 tubing operations provided by a ski area operator; and

40 (3) "Ski area operator" means a person who owns or controls the  
41 operation of a ski area and such person's agents and employees.

42 (b) Each skier shall assume the risk of and legal responsibility for  
43 any injury to his or her person or property arising out of the hazards  
44 inherent in the sport of skiing, [unless the injury was proximately  
45 caused by the negligent operation of the ski area by the ski area  
46 operator, his agents or employees] except as provided in subsection (c)

47 of this section. Such hazards include, but are not limited to: (1)  
 48 Variations in the terrain of the trail or slope which is marked in  
 49 accordance with subdivision (3) of section 29-211, as amended by this  
 50 act, or variations in surface or subsurface snow or ice conditions,  
 51 [except that no skier assumes the risk of variations which are caused  
 52 by the operator unless such variations are caused by snow making,  
 53 snow grooming or rescue operations] whether natural or as a result of  
 54 trail or slope design or features, snow-making or snow-grooming  
 55 operations, or modifications made to such terrain, including jumps or  
 56 freestyle skiing terrain; (2) bare spots which do not require the closing  
 57 of the trail or slope; (3) conspicuously placed or, if not so placed,  
 58 conspicuously marked lift towers; (4) trees or other objects not within  
 59 the confines of the trail or slope; (5) [boarding] loading, unloading or  
 60 otherwise using a passenger tramway without prior knowledge of  
 61 proper loading and unloading procedures or without reading  
 62 instructions concerning loading and unloading posted at the base of  
 63 such passenger tramway or without asking for such instructions; [and]  
 64 or (6) collisions with any other person by any skier while skiing.

65 (c) Notwithstanding the provisions of subsection (b) of this section,  
 66 a skier does not assume the risk of and legal responsibility for an  
 67 injury to his or her person or property if the skier proves that the sole  
 68 proximate cause of such injury was the negligence of the ski area  
 69 operator.

70 Sec. 3. Section 29-214 of the general statutes is repealed. (*Effective*  
 71 *October 1, 2005*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	29-211
Sec. 2	<i>October 1, 2005</i>	29-212
Sec. 3	<i>October 1, 2005</i>	29-214 repealed

**Statement of Purpose:**

To provide that ski area operators shall be liable for injuries occurring on their premises for which they are the sole proximate cause.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. MURPHY, 16th Dist.; SEN. RORABACK, 30th Dist.  
REP. RUWET, 65th Dist.; REP. WILLIS, 64th Dist.

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